IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1637
FRESKGARD, et al.	)	Examiner: BABIC, C.
Serial No.: 10/518,056	)	Washington, D.C.
Filed: October 3, 2005	)	June 3, 2008
For: MICROARRAYS DISPLAYING ENCODED MOLECULES	)	Docket No.: FRESKGARD=8
	)	Confirmation No.: 8250

SUPPLEMENTAL ELECTION WITH TRAVERSE

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S i r :

In further response to the restriction requirement mailed January 4, 2008, which was traversed on June 2, 2008[1], Applicants wish to present an explanation of why at least generic claims 22-24 (added by Preliminary Amendment No. 2 filed on even date herewith) are allowable over Szostak.

The Examiner argues that Szostak USP 6,207,446 teaches "RNA-protein fusions in a microchip format".

Szostak is discussed at page 1, lines 16-24 of the specification. Then, at page 1, line 26, to page 2, line 3, the prior art exemplified by Szostak is distinguished as follows:

> The prior art is restricted to the presenting of proteins on a microarray. According to an object of the present invention it is desired to expand the type of molecules which can be presented on a microarray. In one aspect of the invention, it is small molecules which are presented and in another aspect it is unnatural polymers that are presented. Notably, the present invention is not limited to the reaction products of the 20 naturally occurring amino acids, which allow for a higher diversity of the presented molecule

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[1] Which paid for a four month extension of time, i.e, to June 4, for response. This supplemental paper is filed before June 4 and hence no further extension of time is necessary for it to be considered with the original election with traverse.

> and the possibility of forming robust and stable molecules that can be treated under harsh conditions, such as high temperature, extreme pH and in media containing detergents. (emphasis added)

Moreover, Szostak only teaches mRNA templates. At page 4, lines 7-12, applicants teach:

> It is preferred that the template is divided into coding regions or codons which codes for specific chemical entities. A codon is a sequence of nucleotides or a single nucleotide. The nucleotides are usually amplifiable and the nucleobases are selected from the natural nucleobases (adenine, guanine, uracil, thymine, and cytosine) and the backbone is selected from DNA and RNA, preferably DNA. (emphasis added)

New claim 22 requires a microarray in which the codons are DNA codons, or the encoded molecules are not proteins, with support as set forth above.

Hence, regardless of how the examiner interprets the "encoded molecule", "template", "codons", "chemical entities" and "reaction product" of claim 1, claim 22 clearly distinguishes Szostak.

The same is of course also true of new claims 23 and 24.

Since group II claim 8 and group III claim 9 have been made dependent on claim 22, it follows that groups II and III should be rejoined.

Respectfully submitted,

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